

**IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE**
REQUEST FOR FILING
(RULE 53(b)(1))

031088 U.S.PTO
10/696983
10/3003



For Design or Utility Applications

(DO NOT USE FOR CIPs)

Rule 53(b)(1) PATENT APPLICATION:

Continuation)
) application under 37 CFR 1.53(b)(1)
 Divisional)
 application under 37 CFR 1.53(b)(1)
 of pending prior application of

Group Art Unit: _____

Examiner: _____

Inventor(s): John R. Woods

Parent Appln. No.: 09

746,447

Atty. Dkt. 81168-

306630

New C-M

Client Ref

Series Code ↑

Serial No. ↑

Parent Filed: December 6, 2000

This Appln. Filed: October 30, 2003

Title: MORE CONTROLLABLE ACOUSTIC SPRAY PATCH COMPOSITION

Mail Stop Patent Application
 Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

Date: October 30, 2003
 (Parent Matter No. 250359)

Sir:

To effect the above-requested filing today:

1. Attached is a copy (which must be filed) of the prior application, including:

Abstract
 Specification and claims (27 pages) (must be attached)
 Drawings (must be attached if originally filed): 1 sheet(s)/set: 1 set informal; Formal of size A4 11"

1A. Always X one box, only:

(1) Copy of Signed declaration or oath as originally filed in prior application attached
 (2) NO declaration or fee is enclosed; therefore, this is a filing under Rule 53(f).

2. This application is hereby filed by less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this application (DELETE THE FOLLOWING INVENTOR(S)):

1. _____
 3. _____
 5. _____
 7. _____

2. _____
 4. _____
 6. _____
 8. _____

2.5 THE INVENTOR(S) FOR THIS NEW APPLICATION IS(ARE):

1. John R. Woods
 3. _____
 5. _____
 7. _____

2. _____
 4. _____
 6. _____
 8. _____

3. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying

application and is hereby incorporated therein by reference thereto.

4. Priority is claimed under 35 U.S.C. 119/365 based on filing in _____ of _____ (country)

Application No.	Filing Date	Application No.	Filing Date
(1) _____	_____	(2) _____	_____
(3) _____	_____	(4) _____	_____
(5) _____	_____	(6) _____	_____

a. _____ (No.) Certified copy/copies attached.

b. Certified copy/copies previously filed on _____ in
U.S. Application No. _____ / _____, filed on _____.

c. Certified copy/copies filed during International stage of PCT/ _____ / _____.

4. (a) Domestic priority is claimed from PCT/ _____ / _____, filed _____.

(b) Benefit is claimed of Provisional Application No. 60/_____, filed _____.

5. Prior application is assigned to Spraytex, Inc.
by assignment recorded _____ Reel _____ Frame _____
(Date)

6. Attached is the following number of Assignments (including original and all later successive ones by different assignors): 1 and respective new Cover Sheets. (Do NOT file old cover sheets.)
(Assignments in parent must be refiled with new Cover Sheets in this continuing application if you want it/them recorded against the continuing application.)

Please return the recorded Assignment to the undersigned.

7. The power of attorney in the prior application is to Richard H. Zaitlen, Reg. No.: 27,248, Pillsbury Winthrop LLP, 725 S. Figueroa Street, #2800, Los Angeles, CA 90017
(Name and Reg. No.)
whose current address is as in item 8 below.

a. Recognize as associate attorney Nicole S. Bradley, Reg. No.: 48,718, Pillsbury Winthrop LLP, 725 S. Figueroa Street, #2800, Los Angeles, CA 90017
(Name, Reg. No. and Address)

8. **Address all future communications to Intellectual Property Group
f Pillsbury Winthrop LLP, 725 S. Figueroa Street, #2800, Los Angeles, CA 90017**

9. This application claims benefit of the following prior US application(s), the contents of which are incorporated into this application by this reference:
No. 09/ 746,447 filed 12/6/00
No. 09/ 375,840 filed 8/16/99
No. / filed _____
No. PCT/ / filed _____, which
designated the U.S. and that International Application was was not published under PCT Article 21(2) in English

9(a). See the attached Preliminary Amendment, which amends the first page of the specification to claim benefit of the above listed US application(s)

10. **Small Entity Status** is Not claimed is claimed (pre-filing confirmation required)
(No.) Small Entity Statement(s) (not essential since 9/8/00) were/are:
 filed in above prior application
 attached.

11. Petition to extend the life of the above prior application to at least the date hereof
(one box) is being concurrently filed in that prior application (Use Form PAT-111).
(must be) was previously filed in that prior application (Check length of prior extension).
(X'd) is not necessary for copendency (**Double check** before X'ing this box).

12. **INFORMATION DISCLOSURE STATEMENT:** Attached is Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application(s) relied upon under 35 USC 120 and referenced in item 9 above. Per Rule 98(d) copies of those documents are not required now. Please consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609. .

13. Attached is a Rule 103(a) Petition to Suspend Action.

14. **Please see** the attached Preliminary Amendment which reduces the number of claims for purposes of reducing the initial filing fee.

FILING FEE

THE FOLLOWING FILING FEE IS BASED ON

->->->CLAIMS AS FILED AND CHANGED BY PRELIMINARY AMENDMENT IN ITEM 14<-<-<-

NOTE: If box 1A2 is X'd, do not pay fees,
but leave lines 15-22 and 27-32 blank.

PTO: PLEASE NOTE CLAIM CANCELLATIONS IF BOX 14 ABOVE IS X'D.

			Large/Small Entity		Fee Code
15. Basic Filing Fee	Design Application		\$340/\$170		1002/2002
16. Basic Filing Fee	Utility Application		\$770/\$385	+385	1001/2001
17. Total Effective Claims	11	minus 20 =	0	x \$18/\$9	+0
18. Independent Claims	3	minus 3 =	0	x \$86/\$43	+0
19. If any proper multiple dependent claim (ignore improper) is present,			\$290/\$145	+0	1203/2203
20.			Subtotal =	\$385	
21. If "petition" box 13 above is X'd, add petition fee.	\$130			+0	1808
21A. If box 6 above is X'd, add Assignment recording fee	\$ 40			+40	8021
22.			TOTAL FILING FEE =	\$425	
					(carry forward to Item 31)

23. ATTACHED:

24. Preliminary Amendment attached (to be entered after assigning Appln. No.)

25. See NONPUBLICATION REQUEST under Rule 213(a) attached (Pat-258)

26.

**ADDITIONAL FEE CALCULATION FOR
PRELIMINARY AMENDMENT
PER BOXES 24/25**

	Claims remaining after amendment	Highest number previously paid for	Pres nt Extra	Additi nal Fee		
				<u>Large/Small Entity</u>	<u>File Code</u>	
27.	Total Effective Claims <u>*11</u>	minus ** <u>24</u>	= <u>0</u>	x \$18/\$9 = <u>\$ 0</u>	(1202/2202)	
28.	Independent Claims <u>*3</u>	minus *** <u>3</u>	= <u>1</u>	x \$86/\$43 = <u>+ 0</u>	(1201/2201)	
29.	If amendment enters proper multiple dependent claim(s) into this application for the <u>first time</u> , add (per application)			\$290/\$145 = <u>+ 0</u>	(1203/2203)	
30.				ADDITIONAL FEE	\$ 0	
31.				<u>plus FEE from item 22 on page 3</u>	<u>+ 425</u>	
32.				TOTAL FEE	\$ 425	
33.	*If the entry in this space is less than a entry in the next space, the "Present Extra" result is "0"					
34.	**If the "Highest number previously paid for" (see item 17 above) is less than 20, write "20" in this space					PLEASE CHARGE OUR DEP. ACCT.
35.	If the "Highest number previously paid for" (see item 18 above) is less than 3, write "3" in this space					

Our Deposit Account No. 03-3975

Our Order No. 81168 | 0306630
 C# _____ | M# _____

CHARGE STATEMENT: Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

**Pillsbury Winthrop LLP
Intellectual Property Group**

725 South Figueroa Street, Suite
2800
Los Angeles, CA 90017-5406
Tel: (213) 488-7100

By Atty: Richard H. Zaitlen

Reg. No. 28,248

Sig: 

Fax: (213) 629-1033
Tel: (213) 488-7543

RHZ/LAR
Atty./Sec.

NOTE No. 1: File this Request in duplicate with 2 postcard receipts (PAT-103) & attachments
NOTE No. 2: Is extension in parent necessary for copendency? DOUBLE CHECK Item 11 above.
 If yes, printout Pat-111 and head it in parent.

PATENT
81168-306630

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re divisional application of: John R. Woods	Group No.: unknown
Parent Serial No.: 09/746,447 Parent Filed: December 6, 2000	Examiner: unknown
For: MORE CONTROLLABLE ACOUSTIC PATCH SPRAY COMPOSITION	

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL

"Express Mail" Mailing Label No. EV 235024294 US

Date of Deposit: October 30, 2003

Mail Stop Patent Application
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that

- Letter of transmittal
- Check in the amount of \$385 as filing fee.
- Copy of parent Patent application (27 pages of specification; 54 claims; 1 page of abstract)
- 1 sheet(s) of informal drawings
- Preliminary Amendment
- Copy of Declaration from parent application
- Copy of Assignment from parent application with new recordation cover sheet and check for \$40.00 for recordation fee.
- Form 1449 – Information Disclosure Statement with 8 References
- Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 CFR 1.10 on the date indicated above and are addressed to:

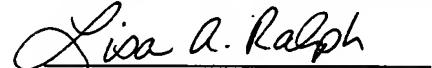
Mail Stop Patent Application
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

October 30, 2003

Date of Deposit

Lisa A. Ralph

Name of person mailing papers


Signature